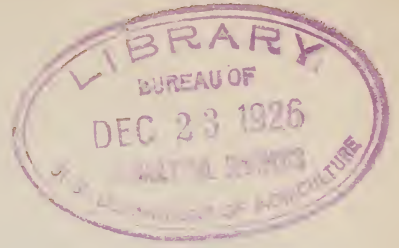


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United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS NO. 103

(AGRICULTURAL ECONOMICS)

(RULES AND REGULATIONS)

by **-OF THE
SECRETARY OF AGRICULTURE**

**GOVERNING
THE INSPECTION AND CERTIFICATION
OF LIVE POULTRY**

UNDER AN ACT OF CONGRESS APPROVED MAY 11, 1926

(44 STAT. L. 499, 523)

Issued December, 1926

THE UNIVERSITY OF CHICAGO

THE DIVISION OF THE PHYSICAL SCIENCES

DEPARTMENT OF CHEMISTRY

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NO. 1000

BY J. H. GOLDSTEIN AND R. M. MAYER

THE UNIVERSITY OF CHICAGO

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REGULATIONS OF THE SECRETARY OF AGRICULTURE GOVERNING THE INSPECTION AND CERTIFICATION OF LIVE POULTRY

By virtue of the authority vested in the Secretary of Agriculture by a provision of the act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927," approved May 11, 1926 (44 Stat. L. 499, 523), authorizing the establishment of an inspection service for perishable farm products, I, W. M. Jardine, Secretary of Agriculture, do prescribe and promulgate the following rules and regulations governing the inspection and certification of live poultry, to be in force and effect on and after November 15, 1926, and as long as Congress shall provide the necessary authority therefor, unless amended or superseded by rules and regulations hereafter prescribed and promulgated under such authority.



In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, this 15th day of November, 1926.

W M Jardine
Secretary of Agriculture.

Regulation 1. Definitions

SECTION 1. Words in these regulations in the singular form shall be deemed to import the plural and vice versa, as the case may demand.

SEC. 2. For the purpose of these regulations, unless the context otherwise require, the following terms shall be construed, respectively, to mean:

Paragraph 1. The act.—The following provisions of an act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927," approved May 11, 1926 (44 Stat. L. 499, 523), or any future act of Congress conferring like authority: "For enabling the Secretary of Agriculture to investigate and certify to shippers and other interested parties the class, quality, and/or condition of cotton and fruits, vegetables, poultry, butter, hay, and other perishable farm products, when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered: *Provided*, That certificates issued by the authorized agents of the department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained."

Par. 2. Person.—Individual, association, partnership, or corporation.

Par. 3. Secretary.—Secretary or Acting Secretary of Agriculture of the United States.

Par. 4. Bureau.—Bureau of Agricultural Economics of the United States Department of Agriculture.

Par. 5. Inspector.—Employee of the Department of Agriculture or other person authorized by the Secretary to investigate and certify to shippers and other interested parties the class, quality, and/or condition of live poultry under the act.

Par. 6. Office of Inspection.—The office of an inspector authorized to inspect live poultry under the act.

Par. 7. Inspection Certificate.—Certificate of the class, quality, and/or condition of live poultry by an inspector under the act.

Par. 8. Regulations.—Rules and regulations of the Secretary governing the inspection and certification of live poultry under the act.

Regulation 2. Administration

SECTION 1. The chief of bureau is charged with the supervision of the performance of all duties arising in the administration of these regulations.

Regulation 3. Where Service is Offered

SECTION 1. Live poultry may be inspected for the purpose of the act at points indicated in paragraphs 1, 2, and 3 of this section whenever an inspector is available.

Paragraph 1. Shipping Points.—Inspections may be made wherever live poultry is offered for interstate shipment, including farms, factories, warehouses, loading platforms, wagons, trucks, railway cars, boats, vessels, and other places where this product is handled, kept, or stored.

Par. 2. Designated Markets.—Boston, Chicago, New York, Philadelphia, San Francisco, and Washington are hereby designated as important central markets. Other important central markets at which inspectors are available will be designated by the Secretary from time to time.

Par. 3. Other Points.—Inspections may be made at any point near a designated market under conditions provided in regulation 5 to the extent permitted by the time of inspectors who are available for inspections at such other points.

Regulation 4. Application for Inspection

SECTION 1. *Who may Obtain Inspection.*—An application for inspection of live poultry under the act may be made by a State, a municipal authority, or by any person having a financial interest in the live poultry involved, including the shipper, the receiver, the buyer, or the carrier, or by any authorized person in behalf of such applicant.

SEC. 2. *How Inspection may be Obtained.*—Application for inspection of live poultry under the act may be made in writing or orally, by telephone, telegraph, or otherwise. Such application may be filed in the office of inspection or with any authorized inspector at/or nearest the place where the inspection is desired. If made orally, the inspector may require that it be confirmed in writing.

SEC. 3. *Form of Application.*—Application for inspection of live poultry under the act shall be in English, and when requested by the inspector to be in writing shall include the following information: (a) The date of application; (b) the identification and location of the product to be inspected; (c) the name and post-office address of the applicant and of the person, if any, making the application in his behalf; (d) the interest of the applicant (except the State) therein; (e) the name, post-office address, and interest of all other known parties, except carriers, interested in the live poultry involved; (f) the shipping point and destination of the product; (g) the purpose of the inspection; and (h) such other information as the inspector may require.

SEC. 4. *When a Second Inspection may be Had.*—When an inspection has been made of a lot of live poultry which is found to be in an overcropped condition, a second or new inspection of this lot shall not be made until the day following, except as an appeal inspection may be made in accordance with the provisions of regulation 7.

SEC. 5. *Application Rejected.*—Any application may, upon request of the applicant or for any noncompliance with the act or any regulation thereunder, be rejected by the inspector in charge of the office of inspection in which it is filed, and such inspector shall immediately notify the applicant by telegraph or in writing of the reasons for such rejection.

SEC. 6. *Proof of Authority.*—Proof of the authority of any person applying for inspection on behalf of another may be required in the discretion of the inspector.

Regulation 5. Inspection

SECTION 1. *Forms of Inspection.*—Inspections may be made for class, quality, and/or condition.

Paragraph 1. *Basis of Inspection.*—Inspections for class, quality, and/or condition shall be based upon such standards and grades and be made under such conditions and in accordance with such methods as may be prescribed, or approved by the chief of bureau.

SEC. 2. *Products Accessible.*—The applicant shall cause the live poultry for which inspection is requested to be made accessible for inspection and to be so placed as to disclose its quality and condition.

SEC. 3. *Order of Inspection.*—As many inspections shall be made as facilities permit, and as far as practicable in the order in which applications are received, except that preference may be given to applications made by a State or a municipality.

SEC. 4. *Inspector Financially Interested.*—No inspector shall inspect any live poultry in which he is directly or indirectly financially interested.

Regulation 6. Inspection Certificates

SECTION 1. *Certificate for Each Lot.*—The inspector shall sign and issue a separate certificate for each lot of live poultry inspected by him.

SEC. 2. *Original and Copies of Certificate.*—The original inspection certificate, immediately upon its issuance, shall be delivered or mailed to the applicant or person designated by him. If the shipper is known and is not the applicant, one copy shall be delivered or mailed to him. Copies may be furnished to other financially interested persons and to cooperating agencies.

SEC. 3. *Advance Information.*—Upon request of an applicant, all or any part of the contents of the certificate may be telegraphed or telephoned to him at his expense.

SEC. 4. *Filing Certificates.*—One copy of each certificate issued shall be filed in the office of the inspector issuing it and one filed either in the office of the field supervision inspector or forwarded to the chief of bureau. They shall be kept on file until other disposition is ordered by the chief of bureau.

Regulation 7. Appeal Inspections

SECTION 1. *When an Appeal Inspection may be Had.*—Whenever the original applicant or other interested party has reason to believe that the quality or condition of a lot of live poultry on which an inspection certificate has been issued does not conform to the condition, quality, or grade stated in such certificate, he may make application for an appeal inspection, provided the application is made within one hour, when the inspection was for condition, or within the same business day, when the inspection was for quality and/or grade, from the time at which notification of the result of the original inspection was given to the applicant or his authorized representative, and before the identity of the original lot of live poultry inspected has been lost.

SEC. 2. *How to Obtain Appeal Inspection.*—Application for appeal inspection of live poultry under the act may be made in writing or orally, by telegram, telephone, or otherwise. Such application shall be made to the supervising inspector. If made orally, the person receiving the application may require that it be confirmed in writing. Such application shall give the reasons therefor and the inspection certificate previously issued on the lot shall be returned to the person making the appeal inspection if it is in the possession of the applicant.

SEC. 3. *Record of Applications for Appeal Inspection.*—A record showing the date and time of filing such application shall be made by the receiver thereof.

SEC. 4. *When an Application for Appeal Inspection may be Withdrawn.*—An application for appeal inspection may be withdrawn by the applicant at any time before the appeal inspection is made, upon payment of any expenses incurred in connection therewith.

SEC. 5. *Inspectors who may Pass on Appeal Inspection Applications.*—Applications for appeal inspections shall be passed upon by inspectors designated for the purpose by the chief of bureau.

SEC. 6. When an Appeal Inspection may be Refused.—If it shall appear that the reasons stated in an application for appeal inspection are frivolous or unsubstantial, or the identical live poultry can not be made accessible for inspection, or the act, these regulations or any instructions issued thereunder by the chief of bureau have not been complied with, the application may be rejected and the applicant shall be notified immediately in writing, of the reason for such rejection, and a statement of such action shall be included in the record of such application by the official making the same.

SEC. 7. Appeal Inspection Certificate.—The inspector making an appeal inspection shall sign and issue an "appeal inspection certificate" referring specifically to all previous inspection and appeal inspection certificates, and stating the quality, condition, and/or grade of the live poultry as found on the last inspection or appeal inspection. In all other respects the provisions of regulation 4 shall apply to such appeal inspection certificates, except that copies of the appeal inspection certificate shall be sent to all interested parties, if known other than the carriers, and to such of them as have been the applicants for any former inspection or appeal inspection.

SEC. 8. Extension of Time.—Upon satisfactory showing of evidence of fraud, or that on account of distance the time of filing an application for appeal inspection is insufficient, or other good cause, the person mentioned in section 2 of this regulation, to whom the application for appeal inspection is made, may permit the filing of such application after the time prescribed therefor in these regulations, and a statement of such action shall be included in the record of such appeal inspection by the official making the same.

SEC. 9. Certificate Superseded Shall not Represent the Quality, Condition, or Grade of Live Poultry.—When an inspection certificate shall have been superseded under these regulations by an appeal inspection certificate such inspection certificate shall not thereafter represent the quality, condition, or grade of the lot of live poultry described therein. If the original and all copies of the superseded certificate are not delivered to the person with whom the application for appeal inspection is filed, the officer issuing the appeal inspection certificate shall forward notice of such issuance and of the cancellation of the original certificate to such persons or firms as he considers necessary to prevent fraudulent use of the canceled certificate.

Regulation 8. Licensed Inspectors

SECTION 1. Inspectors may be Licensed.—Persons showing proper qualifications may be licensed by the Secretary of Agriculture as inspectors of live poultry, which may be inspected under this act. All such licenses shall be countersigned by the specialist in charge of the division of dairy and poultry products in the bureau, the specialist in poultry inspection in that division, or by the supervising inspector under whose direction the licensee is to make inspections.

Paragraph 1. License may be Suspended.—Any such license may be suspended, pending final action by the Secretary of Agriculture by any official by whom it may be countersigned, whenever such official shall deem such action to be for the good of the service. Within seven days after such suspension the licensee may file an appeal in writing to the Secretary of Agriculture supported by any argument or evidence that he may wish to offer in his behalf.

Regulation 9. Fees and Charges

SECTION 1. Fees and Charges.—The fees and charges to be collected for each lot of live poultry inspected or appeal inspected under these regulations, at shipping points, designated markets, and other points, shall be as follows, unless otherwise specifically provided in supplemental schedules subsequently furnished the inspector by the Secretary, or unless the inspection or appeal inspection is made under a cooperative agreement with a State or other agency, when the fees and charges to be collected shall be those provided for under the agreement: *Provided, however,* That an additional fee of \$3 shall be charged when the inspection is made in a place where the entire lot of the product is not readily accessible to the inspector.

Paragraph 1. Live Poultry Inspection Fees.—For each lot of live poultry inspected for condition, pursuant to these regulations, the fee shall be on the basis of the number of coops in such lot, as follows:

For 5 coops or less-----	\$1. 00
For 6 to 10 coops-----	1. 50
For 11 to 20 coops-----	2. 00
For 21 to 40 coops-----	3. 00
For 41 to 60 coops-----	4. 00
Over 60 coops, up to a carload-----	5. 00

Par. 2. Fees for appeal inspections shall be three times those for original inspections, except that no fee will be charged when it is found that there was a material error in the certificate from which the appeal was taken.

Par. 3. Such charges may be made for traveling expenses and other items paid or incurred in connection with an inspection or appeal inspection made as will actually cover these costs.

Sec. 3. Payment of Fees.—The fees and/or charges for each inspection or appeal inspection shall be paid by the applicant in accordance with the directions on the fee bill furnished him and in advance if required by the inspector. Fees and charges for inspections and appeal inspections made by inspectors acting exclusively for the Department of Agriculture shall be remitted promptly to the disbursing clerk of the Department of Agriculture. Fees for inspections made by a licensed inspector acting exclusively for the Department of Agriculture, less the percentage thereof which he is allowed by the terms of his contract of employment as compensation for his services, shall be remitted to the disbursing clerk of the Department of Agriculture. Fees for inspections made by an inspector acting under a cooperative agreement with a State or other organizations, shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement or such amounts as may be due the United States under it, shall be remitted to the disbursing clerk of the Department of Agriculture. The disbursing clerk of the Department of Agriculture will cause to be returned to the person entitled thereto any money remitted in excess of the amount due the United States and to be deposited in the Treasury as miscellaneous receipts all moneys found to be due to the United States. Funds may be transferred from other branches of the Government to the Department of Agriculture to cover the cost of services rendered under the act, and when received may be credited to the fund from which the costs of the service rendered were incurred.

Regulation 10. Fraud

SECTION 1. Misrepresentation.—Any willful misrepresentation or any deceptive or fraudulent practice made or committed by an applicant for inspection or appeal inspection in connection with the making or filing of an application or the use of an inspection or appeal inspection certificate issued by an inspector under these regulations may be deemed sufficient cause for debarring such person from any further benefits of the act, and in case of violation of the food and drugs act of June 30, 1906, may subject the shipper to prosecution and the live poultry to seizure.

Regulation 11. Publications

SECTION 1. Publications.—Publications under the act and these regulations shall be made in Service and Regulatory Announcements of the Bureau of Agricultural Economics and such other mediums as the chief of bureau may from time to time designate for the purpose.



